

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|-----------------------------------|-------------------------------|
| CHARLES J. SENIOR, NORMAN FAHY,) | |
| RONALD D. PHIPPS, RAYMOND) | |
| W. POSTMA, THOMAS G. HIRL) | |
| and UNITED STEELWORKERS) | |
| OF AMERICA, LOCAL 12004) | |
| |) |
| Plaintiffs,) | |
| v.) | Civil Action No. 04-10160-EFH |
| |) |
| NSTAR ELECTRIC AND GAS) | |
| CORPORATION and) | |
| COMMONWEALTH GAS COMPANY) | |
| |) |
| Defendant) | |
| |) |

PLAINTIFFS' ASSENTED-TO MOTION TO AMEND COMPLAINT

Plaintiffs, with the assent of defendants, move to amend their complaint as follows:

1. Add the following sentence to the introductory paragraph:

“The Court’s jurisdiction is also based on the doctrine of pendent jurisdiction.”

2. Paragraph 4 of the complaint is renumbered 4A.

3. Insert a new paragraph 4 to read as follows:

“4. At least from April 1, 1973 or earlier and until April 1, 1980, collective bargaining agreements between Local 12004 and Commonwealth Gas provided:

“Medicare B Reimbursement

Any eligible employee or retiree who is 65 years or over or whose spouse is age 65 or over, will be reimbursed an amount equal to the premium charged for Medicare Part B coverage for himself and/or his spouse.”

4. Insert the following additional count after Count IV:

“COUNT V

“21. The allegations of paragraphs 1-12 are incorporated by reference in this Count.

“22. The retiree health and dental insurance provisions of the 1997 and 1999 voluntary retirement incentive programs are enforceable agreements under state law. The reduction in benefits on and after April 1, 2003 violated those agreements.”

Respectfully submitted,

CHARLES J. SENIOR, NORMAN FAHY,
RONALD D. PHIPPS, RAYMOND W. POSTMA,
THOMAS J. HIRL and UNITED
STEELWORKERS OF AMERICA,
LOCAL 12004

By their attorneys,

s/Warren H. Pyle

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Date: October 22, 2004

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon all counsel of record, by first class mail, postage pre-paid, on October 22, 2004.

s/Warren H. Pyle

Warren H. Pyle